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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$61,505 IN UNITED
STATES CURRENCY,

Defendant.

No. 07-5413 MMC

STIPULATED REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER

CASE MANAGEMENT CONFERENCE

DATE:2/1/08

TIME:10:30 A.M.

The United States, and Claimant Joseph Alioto, Jr, by and through his attorney, David. M. Michael, submit this joint request to continue the case management conference currently scheduled in the above entitled case from February 1, 2008, to April 25, 2008, for the reasons set forth below.

This is a civil forfeiture action brought against approximately \$61,505 in United States Currency seized from Frank Alioto, Jr. at the San Francisco Airport on May 30, 2007. The complaint was filed on October 23, 2007, and Frank Alioto, Jr. filed a claim and answer

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1 contesting forfeiture on January 22, 2008.

2 The complaint sets forth the details of the May 30, 2007 seizure of the defendant currency
3 from claimant Frank Alioto, Jr. It also sets forth facts concerning another seizure of funds
4 (\$34,320) from Frank Alioto, Jr which took place at the Oakland Airport on August 16, 2007.
5 (¶29,30,31) The second seizure was not charged in the initial complaint because the funds were
6 then in the administrative forfeiture process and if no claim was filed, a judicial forfeiture
7 proceeding would not have been necessary. However, Frank Alioto, Jr. did file an administrative
8 claim and the case was referred to the United States Attorney's office for civil forfeiture.

9 On January 17, 2008, the United States filed a complaint seeking forfeiture of the
10 defendant (\$34,320) which was seized at the Oakland Airport on August 16, 2007. The complaint
11 was assigned to Judge Conti. (CV-08-0318 SC) The complaint sets forth the same facts regarding
12 the first and second currency seizures alleged in the first complaint, with a few additions in
13 paragraphs 29, 30 and 31. No claim or answer has been filed in the second seizure, but Frank
14 Alioto, Jr. intends to appear in that case and file a claim and answer to contest the forfeiture.

15 Given the similar and overlapping nature of the parties, facts and legal issues, the parties
16 have agreed that they will file a stipulated request to relate the cases once Frank Alioto Jr. has
17 formally appeared in the case before Judge Conti. The parties anticipate this should occur within
18 the next 30 days.

19 Therefore, the parties request the case management conference currently scheduled before
20 this Court on February 1, 2008, be continued until April 25, 2008, at 10:30 a.m. This will allow
21 Frank Alioto, Jr. to appear in the case before Judge Conti, the parties to file a stipulated request to
22 relate the case to this Court, and this Court to determine if the cases should be related.

23
24 Respectfully submitted,

25 JOSEPH P. RUSSONIELLO
26 United States Attorney

27 Dated: January 23, 2008

28 /S/
SUSAN B. GRAY
Assistant United States Attorney

1 Dated: January 23, 2008

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3 /S/
4 DAVID. M. MICHAEL, ESQ.
5 Attorney for Claimant Frank Joseph Alioto, Jr.

6 [PROPOSED] ORDER

7 GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, it is hereby
8 ordered that the Case Management Conference in the above-entitled case is continued from
9 February 1, 2008, at 10:30 a.m. to April 25, 2008, at 10:30 a.m., with a Joint Case Management
10 Statement to be filed by the parties no later than seven (7) days prior to said conference.
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13 MAXINE M. CHENEY
14 United States District Judge
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